

### Remarks

The present application was filed November 2, 2001 with original claims 1-20. The first Office Action (Paper No. 6) mailed September 15, 2003 rejected claims 1-13 and 15-19 and objected to claims 14 and 20.

The Applicant has hereinabove provided certain amendments to the specification and claims.

The amendments to the specification include a minor amendment to the title of the application to better conform the title to the claimed subject matter. The amendments to the specification further delete the paragraph beginning at page 12, line 22, as such paragraph is extraneous in view of the claim amendments.

The amendments to the claims include amendments to the language of claims 1-15 and the canceling of claims 16-20 without prejudice. The claims have generally been broadened, some of the original subject matter of dependent claims 6 and 14 have generally been incorporated into independent claims 1 and 9, and no new matter has been added.

With the entering of these amendments, the status of the claims is as follows:

<u>Claim</u>	<u>Status</u>
1 (Once Amended)	Independent.
2 (Once Amended)	Depends from claim 1.
3 (Once Amended)	Depends from claim 2.
4 (Once Amended)	Depends from claim 1.
5 (Once Amended)	Depends from claim 1.
6 (Once Amended)	Depends from claim 1.
7 (Once Amended)	Depends from claim 1.
8 (Once Amended)	Depends from claim 1.
9 (Once Amended)	Independent.
10 (Once Amended)	Depends from claim 9.
11 (Once Amended)	Depends from claim 10.
12 (Once Amended)	Depends from claim 9.

- 13 (Once Amended) Depends from claim 9.
- 14 (Once Amended) Depends from claim 9.
- 15 (Once Amended) Depends from claim 9.

#### **Rejection of Claims Under 35 U.S.C. §102**

The first Office Action rejected claims 1-13 and 15-19 under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 5,563,746 issued to Bliss ("Bliss '746"). This rejection is respectfully traversed.

As the Examiner correctly points out, Bliss '746 is silent with regard to beginning the scanning of a medium for defects at a data wedge that is non-adjacent an angular index reference position, as claimed by claim 1. The advantages of this approach are discussed in the specification of the present application such as at page 8, lines 10-17.

Accordingly, the Applicant requests reconsideration and withdrawal of the rejection of claim 1 and the claims depending therefrom. As independent 9 generally includes this same limitation, the Applicant also requests reconsideration and withdrawal of the rejection of claim 9 and the claims depending therefrom.

#### **Indication of Allowable Subject Matter**

The first Office Action further indicated that dependent claims 14 and 20 were objected to but would be allowable if rewritten into independent form. It appears that claim 6 was also objected to in this manner. The Applicant gratefully acknowledges this indication of allowability by the Examiner.

Rather than merely rewriting these claims into independent form as suggested by the Examiner, however, the Applicant has chosen to incorporate some of the subject matter of

these claims into the respective independent claims 1 and 9, as well as to broaden the claim coverage to remove limitations unnecessary to define over the prior art.

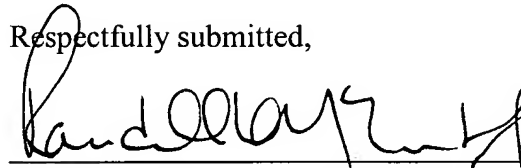
**Conclusion**

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This is intended to be a complete response to the first Office Action (Paper No. 6) mailed September 15, 2003.

Should any questions arise concerning this response, the Examiner is invited to contact the below signed attorney.

Respectfully submitted,

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